



November 1, 1999

Mr. Brendan Hall
Attorney at Law
P. O. Box 2725
Harlingen, Texas 78550

OR99-3077

Dear Mr. Hall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130535.

The City of Harlingen police department (the "department") received a request for information regarding case number 96-17846. You claim that the information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides that

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications,

audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

The requested information here consists of "files, reports, records, communications, audiotapes, videotapes, and working papers used or developed" in an investigation conducted under chapter 261 of the Family Code. Family Code §§ 261.001(1)(a)(C), 261.103, 261.104. We believe subsection (a) is applicable to the requested information.

You have not informed this office of any rules the department has adopted that would permit access to the requested records. We therefore conclude that the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 at 2 (1986) (construing predecessor statute). Accordingly, the department must withhold the requested records in their entirety under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. Because of the mandatory nature of our conclusion under the foregoing analysis, we do not reach your section 552.108 claim.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA/jc

Ref: ID# 130535

Encl. Submitted documents

cc: Mr. Frank Costilla
The Law Offices of Frank Costilla
P. O. Drawer 4417
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(w/o enclosures)